

REMARKS

In the present Amendment, Claim 17 has been amended to recite that --said pressure-sensitive adhesive layer is laminated directly on said layer B containing the thermoplastic elastomer or on an embossed or corona-discharge treated or primer pre-treated surface of said layer B containing the thermoplastic elastomer--. This amendment is supported by the specification, for example, at page 14, lines 6-8.

No new matter has been added and entry of the Amendment is respectfully requested. Upon entry of the Amendment, Claims 17 and 19-27 will be all the claims pending in the application.

In Paragraph No. 4 of the Office Action dated June 9, 2004, Claims 17 and 19-27 have been rejected under 35 U.S.C. §103(a) as allegedly being obvious over Yamaoka et al (US 5,616,420) in view of Arakawa et al (US 5,264,281).

Applicants respectfully submit that the amended claims are patentable over the cited references for at least the following reasons.

The basic constitution of the medical adhesive tape of the present invention is to laminate the following layers in the order as described below:

| | |
|-----------------------------------|---|
| Layer B (Outer layer): | A polypropylene |
| Layer A (Intermediate layer): | An amorphous polyolefin + a thermoplastic elastomer + an inorganic filler |
| Layer B (Inner layer): | A polypropylene + a thermoplastic elastomer |
| Pressure-sensitive adhesive layer | |

In this constitution, the base film of which does not contain any thermoplastic elastomer on the surface of which a pressure-sensitive adhesive layer is not formed, by which the adhesive performance is remarkably affected in this use.

As described on page 14, lines 1 to 12 in the specification of the present application, the rolled adhesive plaster according to the present invention is prepared by forming a pressure-sensitive adhesive layer on the layer B containing a thermoplastic elastomer of the base film. This constitution provides a good anchoring property between the layer B of the base material and the pressure-sensitive adhesive layer.

Further, the adhesive plaster is wound up to obtain a rolled adhesive plaster. When the thermoplastic elastomer is contained in the layer B on the backside of the adhesive plaster, the layer B on the backside of the adhesive plaster is closely adhered to the pressure-sensitive adhesive layer laminated thereon due to high cohesive force, and therefore it requires large strength to peel when used.

In order to prevent the problem from occurring, the rolled adhesive plaster of the present invention is characterized in that the layer B on the side of the base film on which the pressure-sensitive adhesive layer is not formed does not contain any thermoplastic elastomer. This constitution is important for the rolled adhesive plaster of the present invention.

On the other hand, Arakawa et al and Yamaoka et al each describes the constitution which the Examiner has acknowledged. That is, Arakawa et al describes a laminate backing for medical adhesive tape. However, because the backing laminate comprises an outer layer containing a polyolefin and a polyolefin elastomer having laminated thereon a layer containing a polyolefin, the backing laminate has a two-layer structure. A pressure-sensitive adhesive layer is

further provided on the backing laminate. Accordingly, the present invention is different in the constitution from that of Arakawa et al.

Further, Yamaoka et al describes a laminate film having a three-layer structure, the three layers being an intermediate layer and two outer layers provided both surfaces thereof, the intermediate layer being composed of an amorphous polyolefin and a crystalline polypropylene and two outer layers being composed of a polyolefin and a thermoplastic elastomer. On the other hand, in the present invention, only the layer to be brought into contact with the pressure-sensitive adhesive layer comprises the thermoplastic elastomer, the outermost layer comprises no thermoplastic elastomer. Accordingly, the present invention is quite different in the constitution from that of Yamaoka et al.

In view of the above, Applicants respectfully submit that assuming *arguendo* there might be motivation to combine the cited references, the combination does not result in the present invention.

Furthermore, any *prima facie* case of obviousness is clearly rebutted by the unexpected superiority of the present invention in terms of stress relaxation, which is further demonstrated by the working Examples 1 to 4 in the specification of the present application as explained below.

In each of Examples 1 to 4, a three-layer sheet was prepared and the layer A of the base film contained a thermoplastic elastomer and talc or zeolite. In Examples 1, 3 and 4, at least one of the layer A and the layer B contained, as the thermoplastic elastomer, a polyolefin thermoplastic elastomer, which are the embodiments of the present invention. On the other

hand, Example 2 wherein a styrene thermoplastic elastomer was used as the thermoplastic elastomer corresponds in this regard to an embodiment of the film described in Yamaoka et al.

The half-stress periods for the base films in Examples 1 to 4 are compared with one another. The half-stress period in Example 2 was 29 seconds whereas the half-stress periods in Examples 1, 3 and 4 were 14 to 16 seconds, which were about half of that in Example 2 (see Table 3 in the specification of the present application). It is clear that the base film having the constitution of the present invention brings out excellent stress relaxation.

Neither Arakawa et al nor Yamaoka et al disclose or suggest the functions and advantages of the present invention.

In the Advisory Action dated October 22, 2004, it is asserted that the stress relaxation properties are not present in any of the present claims, and further, they are inherent or obvious in the base film laminate of Yamaoka in view of Arakawa (page 4 of the Note).

MPEP 716.01(a) states that the Examiner must consider evidence of unexpected results in determining the issue of obviousness. Evidence of unexpected properties may be in the form of a comparison of the claimed invention with the closest prior art which is commensurate in scope with the claims. MPEP 716.02(b). However, it is not required that the expected properties be recited in the claims.

In the present case, Applicants provide experimental results, in particular, Examples 1-4, showing the unexpected superiority of the present invention in terms of the stress relaxation properties. The Examiner does not assert that the experimental data do not commensurate in scope with the claims. Accordingly, Applicants have met their burden to present evidence of unexpected properties of the present invention.

In view of the foregoing reasons, Applicants respectfully submit that the present invention is not obvious over the cited references and the rejection should be withdrawn.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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